IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN
&
THE HONOURABLE MRS. JUSTICE K.HEMA

FRIDAY, THE 29TH JUNE 2007 / 8TH ASHADHA 1929

WP(C).No. 19152 of 2007(E)

PETITIONER:

N. VIJAYANANDAN, S/O. NARAYANAN,
CHARUMKUZHIYIL VEEDU, CHAKKUVARACKAL MURI,
CHAKKUVARACKAL VILLAGE, KOTTARAKKARA,KOLLAM DIST.

BY ADV. SRI.K.V.ANIL KUMAR

RESPONDENTS:
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1. THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE, KOLLAM.

2. THE CIRCLE INSPECTOR OF POLICE,
KOTTARAKKARA, KOLLAM DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
KOTTARAKKARA POLICE STATION, KOLLAM DISTRICT.

4. VIJAYAKUMAR,
'VIJI & JIJI HOUSE', ANAKOTTOOR MURI,
NEDUVATHOOR VILLAGE, KOTTARAKKARA, KOLLAM DIST.

BY GOVT. PLEADER SRI. P.RAVIDNRA BABU

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

P.R. RAMAN & K. HEMA, JJ.

W.P.(C).No.19152 of 2007

Dated this the 29th day of June, 2007.

JUDGMENT

Raman, J.

Petitioner is an Ex-serviceman. He is now working as Security Guard at KIP, Thenmala Dam. Petitioner alleges the harassment meted out to him at hands of 3rd respondent, the Sub Inspector of Police, Kottarakkara. His case is that his younger son Viju was missing from the 4th respondent's house since 13.5.2006. Respondent No.4 is the father-in-law of petitioner's younger son Viju. Petitioner filed a complaint before the 3rd respondent about his son's absence. Due to the inactin of 3rd respondent, he filed another complaint before the first respondent, Superintendent of Police, a copy of which is Ext.P1. The 4th respondent alleged that petitioner is hiding his son-in-law at somewhere. But, according to petitioner, due to the undue influence of 4th respondent, the 3rd respondent along with his policemen came to petitioner' house on 6.6.2007 at about 1 a.m. and threatened him and his wife to produce their son before police station. It is alleged that inspite of the fact that petitioner revealed his innocence, he is being unnecessarily threatened and harassed.

2. Learned Government Pleader, on instructions, submits that it is ture that petitioner's son is found missing and a complaint was given by the

alleged detenu's wife. Subsequently, a representation was filed by him before this Court as W.P.(C) No.141 of 2007 for a direction to the police for proper investigation. The 3rd respondent respondent only called the parties as part of the investigation and not caused any harassment.

3. Even while conducting an investigation, the police shall not give any room for allegation that, under the guise of investigation, a citizen is being harassed. Therefore, investigation has to be strictly in accordance with the provisions contained in the Code of Criminal Procedure. Visiting the house of a person at 1 a.m. except for the purpose of any surveillance, may not be justified. But, there is no materials in this case to find out that there is any harassment meted out to the petitioner. We only want to mention that police shall, while investigating a crime, strictly follow the procedure laid down in the Code of Criminal Procedure. In case, the presence of the petitioner is required, a written notice be issued.

With the above observation, writ petition is closed.

P.R.RAMAN, JUDGE.

K. HEMA, JUDGE.

Krs.